

# CONSUMER ALERT

## Seniors May Opt Out of Misleading Medicare Plans

### New Exceptional Circumstance Special Enrollment Period Based on Incorrect or Misleading Information

The Centers for Medicare and Medicaid Services (CMS) has established a Special Election Period (SEP) to address situations where an individual has enrolled in a Medicare Advantage (MA) plan based on misleading or incorrect information provided by plan employees, agents or brokers.

Despite the willingness of CMS to allow enrollees to get out of their MA plans, it is not an easy process. Consumers still have to go through the correct channels and have to ask the right questions. Customer service representatives at 1-800-MEDICARE will evaluate beneficiaries' requests on a case-by-case basis to confirm that they qualify for a SEP. Consumers should provide as much detail as possible about the misleading information they were given, including, for example, the name of the person who provided the wrong information along with the date and time.

Upon approval of the SEP, CMS will provide all qualified beneficiaries assistance in selecting new Medicare plan options, which may include:

1. another MA plan,
2. a Part D plan, or
3. Original Medicare

Some of the deceptions that appear to qualify for the opportunity to exit a plan includes statements by agents or brokers that:

1. indicate the plan is accepted by all providers who accept Medicare when they do not;
2. describe the product as a Medicare Supplement plan that coordinates with Medicare;
3. offer enrollees the opportunity to switch back to Original Medicare at any time;
4. other misleading information intended to convince an individual to enroll.

A copy of the CMS summary, entitled "New Exceptional Circumstance SEP Based on Incorrect or Misleading Information," is available online at <http://www.medicarerights.org/TkptsMASEPScript.pdf>.



If you have general questions, please contact: 1. Virginia Insurance Counseling and Assistance Program (VICAP) representative at 1-800-552-3402 or online at <http://www.vda.virginia.gov/> or 2. Medicare at 1-800-Medicare (1-800-633-4227) or online at <http://www.medicare.gov/>.